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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/724,016      | 11/28/2000  | Heinz Focke          | FOCKE11             | 7235             |

7590 04/27/2006

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| EXAMINER |
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TAWFIK, SAMEH

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| ART UNIT | PAPER NUMBER |
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3721

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------|--------------------------------------|-------------------------------------|--|
| <b>Advisory Action</b> | <b>Application No.</b><br>09/724,016 | <b>Applicant(s)</b><br>FOCKE ET AL. |  |
|                        | <b>Examiner</b><br>Sameh H. Tawfik   | <b>Art Unit</b><br>3721             |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 45-47 and 52-54.

Claim(s) objected to: None.

Claim(s) rejected: 48-51.

Claim(s) withdrawn from consideration: None.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

  
Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

Continuation of 5. does NOT place the application in condition for allowance because: the examiner maintains that '725 discloses the limitations of claim 48; as considering the laser beams causing the pre-sealing of the side tabs, bottom and top tabs and further using pocket 43 to finish the seals (column 3, lines 60-63), via by using walls 44 to contact the tabs that could be considered as permanently sealing side tabs, bottom, and top tabs. Note that by folding and pressing the top and bottom tabs, portions of the side tabs is compressed as well and the whole side tap is effected somehow as the side, top, and bottom taps are portions of the same wrapping material. Alternatively, broadly considering the claimed permanently sealing could be considered as of stacking the packs, somehow they will be commpresing each other by the sides, top, and bottom as a subsequent steps after the pre-sealing steps. So, it is inherent that the packs will be stacked and by such way of stacking the step of permanently sealing side, bottom, and top tabs will take place after the pre-sealing steps via using the laser seals and commpresing seals.

Continuation of 10. Other: Fig. 1 of U.S. Pat. No. 5,701,725 along with Exam. notes and Interview summary..

